

United States District Court
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

ORDER OF DETENTION PENDING TRIAL

Roland Kaufmann

Case Number: (2-237M)

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I - Findings of Fact

- (1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (State or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
 - a crime of violence as defined in 18 U.S.C. §3156(a)(4).
 - an offense for which the maximum sentence is life imprisonment or death.
 - an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____.
 - a felony that was committed after the defendant had been convicted of two or more prior federal offense described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses.
- (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- (3) A period of not more than five years has elapsed since the (date of conviction)(release of the defendant from imprisonment) for the offense described in finding (1).
- (4) The defendant has not rebutted the presumption established by finding Nos.(1), (2) and (3) that no condition or combination of conditions will reasonably assure the safety of (an)other person(s) and the community.

Alternative Findings (A)

- (1) There is probable cause to believe that the defendant has committed an offense
 - for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. §
 - under 18 U.S.C. §924(c).
- (2) The defendant has not rebutted the presumption established by finding (1) that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings (B)

- (1) There is a serious risk that the defendant will not appear.
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II - Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by a *preponderance of the evidence/clear and convincing evidence* that no conditions will reasonably assure defendant's appearance/the safety of the community because

- defendant lacks substantial ties to the community.
- defendant is not a U.S. citizen and an illegal alien.
- defendant has no stable history of employment.
- defendant presented no credible sureties to assure his appearance.
- but leave is granted to reopen and present a bail package in the future.
- defendant's family resides primarily in _____.

Bail set but conditions not yet met

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody prior to trial or sentencing who have not been found guilty. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel and shall be allowed to consult privately with an attorney for the Government, the person in charge of the corrections facility or an attorney of the defendant's own choosing, for the purpose of an appearance in connection with a court proceeding.

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Dated: 3/14/2012
 Brooklyn, New York

UNITED STATES MAGISTRATE JUDGE